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COMMENTS:**ISSUES FOR DISCUSSION FOR EXAMINER INTERVIEW**

United States Patent Application, Serial No. 09/847,264
Inventor: Lyn Rosenboom
Filing Date: May 2, 2001
Our File No.: 457009-2

Proposed amendment for discussion Friday, January 8, 2010 @ 3:00 pm EST.

Specifically, I would like to discuss proposed amendments to the claims.

ORIGINAL WILL NOT BE SENT

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Examiner Jamie L. McGowan

Application Serial No. 09/847,264

Inventor: ROSENBOOM, Lyn

Art Unit 3671

Issues for Discussion for Examiner Interview: January 8, 2010**Application Serial No. 09/874,264****(For Purposes of Discussion Only)**

Applicant thanks the Examiner for her time and attention, and presents a brief synopsis of the issues intended for discussion. A copy of claim 14 (with proposed amendments) and new claims 27 and 28 are attached below. This document is presented for discussion purposes only.

CLAIM 14 (with proposed amendment)

14. (Currently Amended) A track assembly for distributing weight of an implement frame, the track assembly comprising:

a wheel frame adapted for supporting an implement frame;

a first tandem arm directly connected to an axle positioned in said wheel frame forming a pivot member for freely rocking generally in a vertical plane about a first pivot axis;

a first wheel positioned at one end of said wheel frame and operably connected to said wheel frame by direct attachment to a first end of said first tandem arm and a second wheel operably connected to said wheel frame;

a continuous ground-engaging belt trained around said first and second wheels and defining an upper run and a lower run, said lower run in contact with the ground; and

a first idler wheel structure supported by a second end of said first tandem arm, the pivot member being positioned between the first end and the second end of the first tandem arm such that said first idler wheel structure and said first wheel freely rock about said first pivot axis in a reciprocating manner to maintain a desired distribution of weight between said first wheel and said first idler wheel structure, said first idler wheel structure being in contact with said lower run between the first and second wheels; and [[.]]

said first idler wheel structure having an upper portion connected to the first tandem arm, the upper portion connected to an outer housing, a shaft rotatably received within the outer housing, and a third wheel assembly connected to the shaft, enabling

the third wheel assembly to pivot about a second axis formed by the shaft in a second plane perpendicular to the vertical plane of the first pivot axis.

NEW CLAIM 27

27. (New) A vehicle wheel assembly comprising:
- a vehicle frame having a first axle;
 - a wheel assembly having a housing with an aperture engaging the first axle and enabling the wheel assembly to pivot in a first plane about a first axis formed by the first axle;
 - the wheel assembly further including a second axle carried by the housing, the second axle and housing arranged perpendicular to the first axle;
 - a first wheel pivotably connected to a first end of the second axle;
 - a second wheel pivotably connected to a second end of the second axle;
 - the first wheel and second wheel independently pivot in a second plane about a second axis formed by the second axle;
 - the first axis arranged perpendicular to the second axis; and
 - the first plane arranged perpendicular to the second plane.

NEW CLAIM 28

28. (New) A vehicle track assembly for improved weight distribution while traversing various terrain comprising:
- a first tandem arm having a first end, a second end, and a first aperture positioned between the first and second ends, the first aperture pivotally connected to a vehicle axle to enable the first tandem arm to pivot about the vehicle axle in a first vertical plane perpendicular to the vehicle axle;
 - a first wheel assembly connected near the first end of the first tandem arm;
 - a second tandem arm having a third end, a fourth end, and a housing with a second aperture, the second aperture pivotally connected to the first tandem arm between the first aperture and the second end to enable the second tandem arm to pivot about the first tandem arm in the first vertical plane;

a second axle carried by the housing of the second tandem arm between the third end and fourth end, and arranged perpendicular to the vehicle axle;

a second wheel assembly pivotally connected to the second axle near the third end;

a third wheel assembly pivotally connected to the second axle near the fourth end; and

the second and third wheel assemblies adapted to independently pivot about the second axle in a second vertical plane perpendicular to the first vertical plane and parallel to the vehicle axle.

ISSUES TO DISCUSS (Claims 14, 27 and 28)

- Claim 14 stands rejected under 35 U.S.C. 103(a) as unpatentable over Purcell (U.S. Patent No. 3,841,424).
- Applicant has amended Claim 14 to include the distinguishing, nonobvious features and advantages over Purcell and the other prior art references of record.
- The amendment to Claim 14 is merely to define the structural features the Examiner has indicated as allowable in Claim 15.
- Specifically, Applicant's claimed track assembly has features including a "shaft rotatably received within the outer housing" of the first idler wheel structure and "a third wheel assembly connected to the shaft". These claimed structural features enable "the third wheel assembly to pivot about a second axis formed by the shaft in a second plane perpendicular to the vertical plane of the first pivot axis."
- This structural arrangement is supported in Paragraphs [0071] – [0075] and FIG. 24 of Applicant's specification. The claimed assembly enables the track assembly to "allow for roll along a longitudinal axis". Applicant's Specification at Paragraph [0073].

- Purcell does not disclose, teach or suggest an assembly which pivots in a longitudinal axis to account for roll.
- In addition, the prior art references of record do not disclose, teach or suggest a track assembly enabling idler wheels to account for the "roll" of different terrain.
- Notably Satzler (U.S. Patent No. 4,537,267) discloses a pin centrally connected to a vehicle frame. A swivel bearing is slidably disposed on the pin and centrally connected to one axle. The swivel bearing allows the axle to pivot about pin in the event one of the two wheel assemblies runs over a raised object on the ground.
- However, as Applicant has previously asserted in the Appeal Brief, the pin and swivel bearing of Satzler are positioned on only one axle and at one end of the vehicle, only allowing one end of the entire wheel assemblies housed within each inextensible belt to pivot about the other.
- As the Examiner acknowledges in the current Office Action at page 10, Satzler does not disclose, teach or suggest a pivot assembly positioned in the track assembly which can account for the "roll" of "pitch and roll." Consistent with the Examiner's justification for removing the rejection relating to Claim 15, Applicant has claimed a "positive connection...between the axle and the bottom tandem arms and the idler wheels" to distinguish Applicant's claimed invention over the Satzler reference.
- In addition, new Claims 27 and 28 have been added to structurally define these features and advantages, consistent with the Examiner's indication of allowable subject matter in Claim 15.